



# Application For Administrative Variance

City of Key West, Florida • Planning Department

3140 Flagler Avenue • Key West, Florida 33040-4602 • 305-809-3720 • [www.keywestcity.com](http://www.keywestcity.com)

**Application Fee: \$900.00 / After-the-Fact: \$1,650.00**

(includes \$100.00 advertising/noticing fee and \$50.00 fire review fee)

**This application is only available for the following variances:**

- (1) Reduction in the front yard, rear yard and non-shoreline setback requirements in Code Chapter 122, Article IV by no more than 10 feet, and side yard setback by no more than 20%.
- (2) Reduction in all the street and landscape bufferyard width requirements in Code Chapter 108, Article VI by no more than 10%.
- (3) Reduction in the total area of the landscaping required for off-street parking and loading in Code Chapter 108, Article VII, Subdivision II by no more than 10%.
- (4) Reduction of any yard setback requirement may be granted for an elevator or wheelchair lift or ramp to allow access to the elevated dwelling unit of a disabled applicant or household member.

Please complete this application and attach all required documents. This will help staff process your request quickly and obtain necessary information without delay. If you have any questions, please call 305-809-3720 to schedule an appointment with a planner.

**PROPERTY DESCRIPTION:**

Site Address: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Real Estate (RE) #: \_\_\_\_\_

Property located within the Historic District? ☐ Yes ☐ No

**APPLICANT:** ☐ Owner ☐ Authorized Representative

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home/Mobile Phone: \_\_\_\_\_ Office: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**PROPERTY OWNER: (if different than above)**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home/Mobile Phone: \_\_\_\_\_ Office: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Description of Proposed Construction, Development, and Use:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**List and describe the specific administrative variance(s) being requested pursuant to Code Section 90-398:**

☐ Front Setback [Complete Parts A & B] ☐ Other Setbacks and/or Landscaping [Complete Part A]

☐ Special Accessibility Setback [Complete Part A, Standards 2 & 3 only]

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Are there any easements, deed restrictions or other encumbrances attached to the property? ☐ Yes ☐ No

If yes, please describe and attach relevant documents: \_\_\_\_\_

\_\_\_\_\_

Will any work be within the dripline (canopy) of any tree on or off the property? ☐ Yes ☐ No

If yes, provide date of landscape approval, and attach a copy of such approval.

**Please fill out the relevant Site Data in the table below.** *Italicized items are not eligible for administrative variances, but are requested as relevant background information.*

	Code Requirement	Existing	Proposed	Variance Request
Zoning district				
Flood zone				
Land area				
Front setback				
Side setback				
Side setback				
Street side setback				
Rear setback				
Open space/landscaping				
<i>Height</i>				Not eligible for administrative variance
<i>Floor area ratio (FAR)</i>				
<i>Building coverage</i>				
<i>Impervious surface</i>				
<i>Parking spaces</i>				
<i>Handicap parking</i>				
<i>Bicycle parking</i>				
<i>Number and type of units</i>				
<i>Consumption area or number of seats</i>				

This application is reviewed pursuant to Section 90-398 of the City of Key West Land Development Regulations (LDRs). The City's LDRs can be found in the Code of Ordinances online at <http://library.municode.com/index.aspx?clientId=10053> under Subpart B.

### The review process for administrative variances is as follows:

1. Complete application submitted to Planning Department.
2. Review by the Development Review Committee (DRC).
3. Within 3 weeks of the DRC meeting, the city planner completes review and renders a proposed decision to approve, approve with conditions or deny in writing, after obtaining the concurrence of the city manager.
4. Planning Department provides written notice of the proposed decision and gives 30 working days to request a public hearing. If a public hearing is not requested, the city planner will issue the written decision to approve or deny. If a public hearing is requested, the Planning Board will review the application according to the procedures for regular variances.
5. If the city planner issues a denial, the applicant may file a written objection, and the Planning Board will review the request according to the procedures for regular variances.

**A. ADMINISTRATIVE VARIANCE CRITERIA:** Before any administrative variance may be granted by the Planning Director, the applicant must demonstrate that all of the applicable standards in City Code Section 90-398 are met. All applicants must complete Part A. For special accessibility setbacks, complete only standards 2 and 3 below. Applicants for front setback variances must also complete Part B.

- (1) The applicant shall demonstrate a showing of good and sufficient cause as follows:
- a. the request deals solely with the physical characteristics of the property, subdivision lot or land parcel under question; and
  - b. the request is not based on the character of the planned construction or substantial improvement, the personal characteristics of the owner or inhabitants; and
  - c. the request is not based on inconvenience, aesthetic considerations, physical handicaps, personal preferences, the disapproval of neighbors or homeowners' association restrictions:

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- (2) Failure to grant the administrative variance would result in exceptional hardship to the applicant: \_\_\_\_\_

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- (3) Granting the administrative variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance, or cause fraud or victimization of the public: \_\_\_\_\_

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- (4) The property has unique or peculiar circumstances, which apply to the subject property, but which do not apply to other properties in the same zoning district: \_\_\_\_\_

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- (5) Granting the administrative variance will not give the applicant any special privilege denied to other properties in the immediate neighborhood in terms of the provisions of this chapter or established development patterns: \_\_\_\_\_

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- (6) Granting the administrative variance is not based on disabilities, handicaps or health of the applicant or members of her/his family: \_\_\_\_\_

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- (7) The administrative variance is the minimum necessary to provide relief to the applicant: \_\_\_\_\_

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**B. FRONT SETBACK CRITERIA:** The Planning Director may recommend approval or approve an administrative variance that modifies the minimum front setback requirements provided the applicant demonstrates the following. Please describe how the proposed variance meets each standard. Attach separately, if necessary.

(1) The existing setback average, as measured pursuant to the definition of "setbacks" in Code Section 86-9, on the block of the street within the zoning district in which the subject property is located is less than the zoning district standard, as established in Code Chapter 122, Article IV: \_\_\_\_\_

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(2) The waiver will not result in a setback that is less than the existing front yard setback to the furthestmost projection of the main building that is closest to the front lot line on a contiguous lot on either side of the subject property: \_\_\_\_\_

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(3) The waiver is for an amount not greater than 20% of the zoning district standard as established in Code Chapter 122, Article IV: \_\_\_\_\_

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(4) In the event that a contiguous lot on either side of the subject property is vacant, the zoning district standard shall apply: \_\_\_\_\_

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**REQUIRED SUBMITTALS:** All of the following must be submitted in order to have a complete application. Please submit one paper copy and one electronic copy of all materials.

- ☐ Correct application fee. Checks may be payable to "City of Key West."
- ☐ Notarized verification form signed by property owner or the authorized representative.
- ☐ Notarized authorization form signed by property owner, if applicant is not the owner.
- ☐ Copy of recorded warranty deed
- ☐ Property record card
- ☐ Signed and sealed survey
- ☐ Site plan (plans MUST be signed and sealed by an Engineer or Architect)
- ☐ Floor plans
- ☐ Stormwater management plan